



Voting Members

Margaret (P.J.) Webb
At-large
Chair

Gary Pezzi
Recreation
Vice Chair

Dan Haifley
At-Large
Secretary

Kirk Schmidt
Agriculture

James Panetta
At-Large

Jessica Grigsby
Business/Industry

Kathy Fosmark
Commercial Fishing

Letise LaFeir
Conservation

Brian Nelson
Diving

Elizabeth (Tucker) Hirsch
Education

Richard Hughett
Recreational Fishing

John Hunt
Research

Mike Bekker
Tourism

Edwin Smith
AMBAG

Dan Carl
CA Coastal Commission

Paul Reilly
CA Dept of Fish and Wildlife

María de la Paz Carpio-Obeso
CA EPA

Cyndi Dawson
CA Resources Agency

Mat Fuzie
CA State Parks

Steve Scheiblaue
Harbors

Non-Voting Members

LT Shannon Anthony
US Coast Guard

Dave Feliz
Elkhorn Slough NERR

Chris Mobley
Channel Islands NMS

Dan Howard
Cordell Bank NMS

María Brown
Greater Farallones NMS

Paul Michel
Monterey Bay NMS

Sanctuary Advisory Council
Monterey Bay National Marine Sanctuary
99 Pacific Street, Building 455
Monterey, CA 93940
(831) 647-4201

April 21, 2016

Mr. John Armor, Acting Director
NOAA Office of National Marine Sanctuaries
1305 East-West Highway, 11th Floor
Silver Spring, MD 20910

Dear Acting ONMS Director Armor:

On behalf of the Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council, we respectfully request that your offices look into the legal and jurisdictional issues regarding the CEMEX sand mine in Marina, California, on the coast of MBNMS.

This stretch of shoreline is highly valued for its biological, recreational and economic attributes. We understand ONMS and NOAA General Counsel are investigating this issue and we commend you on moving forward with this process. We ask that you seek a resolution that significantly decreases or ceases the impacts from this activity in MBNMS. The four questions that we hope can be answered are:

- 1) Is the sand taken by CEMEX a sanctuary resource?
- 2) Are CEMEX operations violating MBNMS regulations?
- 3) If a NMSA or MBNMS regulation is being violated by sand mining activities by CEMEX, what action can the MBNMS take now?
- 4) Does MBNMS have the authority to create a regulation or require a permit with permit conditions in the future to stop or regulate the amount of sand taken by CEMEX?

In February, MBNMS staff presented information regarding the impacts that commercial sand mining is having on coastal erosion along the Southern Monterey Bay shoreline. We understand that continued removal of over 200,000 yd³/yr of sand by the sand mine annually may be causing increased coastal erosion in the Southern Monterey Bay (ESA PWA et al., 2012). According to US Geological Survey, the Southern Monterey Bay shoreline has the highest average erosion rate in California. Numerous coastal impacts including those to sanctuary resources and compatible uses could be related to sand removal.

“The council is an advisory body to the Sanctuary Superintendent. The opinions and findings of this publication do not necessarily reflect the position of the Monterey Bay National Marine Sanctuary and the National Oceanic and Atmospheric Administration

Given the length of time this activity has persisted (since before Sanctuary designation) and the erosion damage that exists today, we ask you to give high priority to analyzing MBNMS's legal and jurisdictional framework.

Sincerely,



Margaret (PJ) Webb
Sanctuary Advisory Council Chair

CC: Stephanie Altman, NOAA General Counsel

ESA PWA, Thornton, E., Caldwell, J.D., King, P., McGregor, A., (2012). "Evaluation of Erosion Mitigation Alternatives for Southern Monterey Bay" pg 109.



CEMEX dredge barge in extraction pond



CEMEX extraction pond open to ocean